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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/010,630 | 11/07/2001 | Yuji Toyomura | MAT-8198US | 4831 |

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EXAMINER

LE, DEBBIE M

ART UNIT

PAPER NUMBER

2168

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/010,630 | Applicant(s) TOYOMURA ET AL. | |
| | Examiner DEBBIE M. LE | Art Unit 2168 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8,12,14-18,20-32 and 34-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,12,14-18,20-32 and 34-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reopening of Prosecution After Appeal Brief

1. In view of the supplemental appeal brief filed on 21 June 2006.

PROSECUTION IS HEREBY REOPENED. New grounds for rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



Tim Vo

Specification

2. The substitute specification filed 10 August 2005 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3-5, 46, 50, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over lida et al. (U.S. Patent No. 6,385,690) and Cowart (Mastering Windows™ 3.1).

5. lida renders obvious independent claim 1 by the following:
“...a plurality of directories at a directory level...” at col. 20, lines 40-43.
“...each of said directories limited to storing files...” at col. 16, lines 18-21.
“...a further directory at said directory level...” at col. 20, lines 40-43.
“...said further directory for storing...” at col. 16, lines 18-21.

lida does not teach the use of file formats.

6. However, Cowart teaches the use of file formats as follows:

"...of a respective one of a plurality of file formats..." at p. 107, "Review of DOS Directories", par. 2.

"...in other than said plurality of file formats..." at p. 107, "Review of DOS Directories", par. 2.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Cowart with lida to use different formats for different types of data in order to store files from multiple applications each having their own file formats, to store other files in formats such as free text format, and to provide flexibility in the types of files allowed in directories and gain wider acceptance of the system. lida and Cowart have related applications and use similar technologies. They teach the use of computers, the use of databases or data structures, the use of directories, the use of files, the use of tables, and the use of formats. lida provides directories with different levels for storing files and Cowart provides the storing of specific format files and non-specific format files.

7. As per claim 3, the "...wherein said directory level is immediately under a root directory...", is taught by lida at col. 23, lines 40-43.

8. As per claim 4, the "...memory media are memory cards...", is taught by Cowart at p. 144, "Copying Disks", para. 1 and 2.

9. As per claims 5 and 50, the "...said further directory is further for storing files in one of said plurality of file formats...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2.

10. As per claim 46, the "...carryable memory media are memory cards..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2.

11. As per claim 51, the "...files in said further directory are independent and without links relative to files in said plurality of directories..." is taught by Iida at col. 16, lines 38-43.

12. Claims 6, 17, 20-22, 32, 34, 47, 48, 49, 52-59, 61-65, 67-71, 73-77, and 79-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otomo et al. ((U.S. Patent Application Publications No. US 2001/0010049) and Cowart (Mastering Windows™ 3.1).

Otomo renders obvious independent claim 6 by the following:

"...means for forming a plurality of directories at a directory level..." at p. 8, par. 0156 and p. 9, par. 0163.

"...each of said directories limited to storing files..." at p. 2, par. 0022 and p. 6, par. 0115.

"...a further directory at said directory level..." at p. 8, par. 0156 and p. 9, par. 0163.

"...said further directory for storing files..." at p. 2, par. 0022 and p. 6, par. 0115.

Otomo does not teach does not teach the use of file formats.

13. However, Cowart teaches the use of file formats as follows:

"...of a respective one of a plurality of file formats..." at p. 107, "Review of DOS Directories", par. 2.

"...in other than said plurality of file formats..." at p. 107, "Review of DOS Directories", par. 2.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Cowart with Otomo to use different formats for different types of data in order to store files from multiple applications each having their own file formats, to store other files in formats such as free text format, and to provide flexibility in the types of files allowed in directories and gain wider acceptance of the system. Otomo and Cowart have related applications and use similar technologies. They teach the use of computers, the use of data structures, the use of directories, the use of files, the use of tables, and the use of formats. Otomo defines directories with different levels for storing files and Cowart provides the storing of specific format files and non-specific format files.

14. As per independent claim 32, the "...forming a plurality of directories at a directory level...", is taught by Otomo at p. 8, par. 0156 and p. 9, par. 0163, the "...each of said directories limited to storing files...", is taught by Otomo at p. 2, par. 0022 and p. 6, par 0115, the "...of a respective one of a plurality of file formats...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...forming a further directory at said directory level...", is taught by Otomo at p. 8, par. 0156 and p. 9, par. 0163, the "...said further directory for storing files...", is taught by Otomo at p. 2, par. 0022 and p. 6, par 0115, the "...in other than said plurality of file formats and...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

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the "...storing a file in said carryable memory media ...," is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2, and the "...at a data area corresponding to one of said plurality of directories or said further directory..." is taught by Otomo at p. 16, par. 0328 and p. 8, par. 0156.

15. As per independent claim 49, the "...interface for reading data from said memory media..." is taught by Otomo at p. 8, par. 0161, the "...and a selector for selecting between a data area and a further data area..." is taught by Otomo at p. 15, par. 0297 and p. 16, par. 0328, the "...said selector selecting..." is taught by Otomo at p. 15, par. 0297, the "...from said data area when said data being read corresponds to one of a plurality of directories at a directory level..." is taught by Otomo at p. 16, par. 0328, p. 8, par. 0161, and p. 9, par. 0163, the "...each of said directories limited to a respective one of a plurality of file formats..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...and from said further data area when said data being read..." is taught by Otomo at p. 16, par. 0328 and p. 8, par. 0161, and the "...corresponds to a further directory for other than said plurality of file formats..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2.

16. As per independent claim 52, the "...plurality of directories at a directory level..." is taught by Otomo at p. 9, par. 0163, the "...each of the directories limited to storing files of a respective one of a plurality of file formats..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

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the "...and a further directory at the directory level..." is taught by Otomo at p. 9, par. 0163,

and the "...further directory capable of storing a file having an arbitrary file format..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2.

17. As per independent claim 53, the "...plurality of directories at a directory level..." is taught by Otomo at p. 9, par. 0163, the "...each of the directories limited to storing first files of a respective one of a plurality of file formats..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...and a further directory at the directory level..." is taught by Otomo at p. 9, par. 0163, the "...further directory capable of storing the first files having the respective one of the plurality of file formats..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, and the "...and a second file having a file format which is different from the file formats of the first file..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2.

18. As per independent claim 54, the "...detecting whether or not a file to be stored in the memory media..." is taught by Otomo at p. 3, par. 0037 and p. 9, par. 016, the "...is capable of being stored in the limited directory..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...and forming a further directory for storing the file to be stored..." is taught by Otomo at p. 8, par. 0156 and p. 6, par. 0115,

the "...by a result of determining the file is not capable of being stored in the limited directory...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...further directory being capable of storing a file of an arbitrary file format...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2.

19. As per independent claim 55, the "...detecting whether or not a file to be stored in the memory media...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

the "...is capable of being stored in the limited directory...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

the "...and forming a further directory for storing the file to be stored...", is taught by Otomo at p. 8, par. 0156 and p. 6, par. 0115,

the "...by a result of determining the file is not capable of being stored in the limited directory...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

the "...further directory being capable of storing the files of the respective one of the plurality of file formats...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2.

20. As per independent claim 56, the "...a plurality of directories at a directory level...", is taught by Otomo at p. 9, par. 0163,

the "...each of the directories limited to storing files of a respective one of a plurality of file formats...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

the "...and a further directory at the directory level...", is taught by Otomo at p. 9, par. 0163,

the "...further directory capable of storing a file having an arbitrary file format..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...first step of accessing a directory..." is taught by Otomo at p. 9, par. 0164, the "...in which a file format corresponds to a file format of the file..." is taught by Otomo at col. 13, lines 4-10, and the "...and a second step of accessing the further directory..." is taught by Otomo at p. 9, par. 0164.

21. As per independent claim 57, the "...plurality of directories at a directory level..." is taught by Otomo at p. 9, par. 0163, the "...each of the directories limited to storing first files of a respective one of a plurality of file formats..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...and a further directory at the directory level..." is taught by Otomo at p. 9, par. 0163, the "...further directory capable of storing the first files having the respective one of the plurality of file formats..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...and a second file having a file format which is different from the file formats of the first file..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...first step of accessing a directory..." is taught by Otomo at p. 9, par. 0164, the "...of which a file format corresponds to a file format of the file..." is taught by Otomo at col. 13, lines 4-10,

and the "...and a second step of accessing the further directory..." is taught by Otomo at p. 9, par. 0164.

22. As per independent claims 59, 65, 71, and 77 the "...CPU operable to instruct to store a file obtained excluding from the carryable memory media in a memory..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2, the "...controller operable to form a directory..." is taught by Otomo at p. 8, par. 0156, the "...in the carryable memory media and operable to store the obtained file in the carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2, the "...wherein if a directory formed by an other apparatus..." is taught by Otomo at p. 8, par. 0156, the "...is stored in the carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2, the "...and there is not a directory formed by the apparatus..." is taught by Otomo at p. 8, par. 0156, the "...in the carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2, the "...apparatus makes the carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2, the "...form a new directory..." is taught by Otomo at p. 8, par. 0156,

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and the "...which is allowed to store an arbitrary file stored in the memory and store the obtained file in the new directory...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2.

23. As per claim 17, the "...further comprising file extraction means, for extracting said files...", is taught by Otomo at p. 8, par. 0155 and p. 3, par. 0036.

24. As per claim 20, the "...said file extraction means extracts the file...", is taught by Otomo at p. 8, par. 0155 and p. 3, par. 0036, the "...that conforms to said specific file form...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, and the "...based on the file inner structure...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2.

25. As per claim 21, the "...said file extraction means extracts the file...", is taught by Otomo at p. 8, par. 0155 and p. 3, par. 0036, the "...that conforms to said specific file form...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, and the "...through a plurality of steps of extraction...", is taught by Otomo at p. 3, par. 0036.

26. As per claim 22, the "...input means for inputting conditions for file extraction...", is taught by Otomo at p. 14, par. 282 and p. 3, par. 0036, the "...wherein said file extraction means extracts...", is taught by Otomo at p. 8, par. 0155 and p. 3, par. 0036,

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the "...among those which conform to said specific file form..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, and the "...file that satisfies said conditions for file extraction..." is taught by Otomo at p. 8, par. 0155, p. 2, par. 0011, and p. 3, par. 0036.

27. As per claim 34, the "...receiving data through communication means..." is taught by Otomo at p. 17, par. 0337, the "...forming a file based on the data received..." is by Otomo at p. 9, par. 0167 and p. 17, par. 0337, the "...storing the file formed..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...in said carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2, the "...at a data area corresponding to said further directory..." is taught by Otomo at p. 16, par. 0328 and p. 9, par. 0163.

28. As per claims 47 and 48, the "...carryable memory media are memory card..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2.

29. As per claim 58, the "...said directory level is immediately under a root directory..." is taught by Otomo at p. 9, par. 0163.

30. As per claims 61, 67, 73, and 79, the "...directory formed by the other apparatus is used by the other apparatus..." is taught by Otomo at p. 8, par. 0156, the "...to store a file of a predetermined format..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

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and the "...and is not used to store the obtained file by the apparatus..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2.

31. As per claims 62, 68, 74, and 80, the "...CPU is operable to recognize the carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,
the "...and the apparatus makes the carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,
the "...form the new directory..." is taught by Otomo at p. 8, par. 0156,
the "...if the CPU recognizes the carryable memory media..." is taught Cowart at p. 144, "Copying Disks", par. 1 and 2,
the "...in which the directory formed by the other apparatus is stored..." is taught by Otomo at p. 8, par. 0156,
and the "...and there is not the directory formed by the apparatus..." is taught by Otomo at p. 8, par. 0156.

32. As per claims 63, 69, 75, and 81, the "...apparatus makes the carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,
the "...form the new directory..." is taught by Otomo at p. 8, par. 0156,
and the "...if the controller accesses to the carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2.

33. As per claims 64, 70, 76, and 82, the "...controller is operable to reproduce the obtained file..." is taught by Otomo at p. 14, par. 0286 and p. 10, par. 0194,

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the "...if the obtained file is of a predetermined format..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,
the "...and even if the obtained file is not formatted by the predetermined format..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,
the "...and the obtained file cannot be reproduced..." is taught by Otomo at p. 14, par. 0286 and p. 10, par. 0194,
the "...apparatus makes the carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,
the "...store the obtained file in the new directory..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2.

34. Claims 12, 14-16, 18, 23, and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otomo and Cowart as applied to claim 11 above, and further in view of Carley et al. (U.S. Patent No. 6,701,345).

As per claims 12 and 35, the "...is stored in said carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,
the "...at a data area..." is taught by Otomo at p. 16, par. 0328,
the "...corresponding to said directory for storing no-specific format files..." is taught by Cowart at col. 9, lines 47-49 and col. 13, lines 4-10,
but the "...an attached file attached to electronic mail received..." is not taught by either Otomo or Cowart.

However, Carley teaches the use of files attached to electronic mail as follows:

"...In addition to the ability to send simple ASCII text, e-mail

systems usually provide the capability to attach binary files to messages..." at col. 51, lines 61-62.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Carley with Otomo and Cowart to provide files attached to e-mail messages in order to use standard procedures for sending electronic files over networks and gain wider acceptance of the system. Otomo, Cowart, and Carley have related applications and use similar technologies. They teach the use of computers, the use of databases or data structures, the use of directories, the use of files, the use of tables, and the use of formats. Otomo defines directories with different levels for storing files and Cowart provides the storing of specific format files and non-specific format files, and Carley provides files attached to e-mail.

35. As per claim 14, the "...an operation section for operation by a user..." is taught by Carley at col. 15, lines 24-25,
the "...wherein based on operation by a user of the operation section..." is taught by Carley at col. 15, lines 24-25,
the "...at least one file is stored..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,
the "...in a data area corresponding to said plurality of directories..." is taught by Otomo at p. 16. par. 0328 and p. 9, par. 0163,
the "...and at least another file is stored..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2.,
and the "...in a further data area corresponding to said further directory..." is taught by Otomo at p. 16. par. 0328 and p. 9, par. 0163.

36. As per claims 15 and 38, the "...separation means for separating an e-mail with the attached file...", is taught by Carley at col. 13, lines 53-56 and col. 51, lines 61-62,
the "...received through said communication means...", is taught by Otomo at p. 17, par. 0337,
the "...into the e-mail document file and the attached file...", is taught by Carley at col. 51, lines 61-62,
the "...wherein said e-mail document file...", is taught by Carley at col. 51, lines 61-62,
the "...is stored in said carryable memory media...", is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,
the "...at a data area...", is taught by Otomo at p. 18, par. 0328,
the "...corresponding to the directory for storing specific format files...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,
the "...and said attached file...", is taught by Carley at col. 51, lines 61-62,
the "...is stored in said carryable memory media...", is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,
the "...at a data area...", is taught by Otomo at p. 18, par. 0328,
and the "...corresponding to said directory for storing non-specific format files...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2.

37. As per claim 16, the "...storage of said e-mail document file and said attached file...", is taught by Carley at col. 13, lines 27-29 and col. 51, lines 61-62
and the "...is based on operation of a user...", is taught by Carley at col. 15, lines 24-25.

38. As per claims 18 and 23, the "...said control means controls at least one process among the following processes to be performed...", is taught by Otomo at p. 9, par. 0175, the "...on said extracted file...", is taught by Otomo at p. 8, par. 0155 and p. 3, par. 0036, the "...for deleting the file...", is taught by Cowart at p. 141, "Deleting Files", par. 1, the "...shifting the file...", is taught by Otomo at p. 8, par. 0137, the "...to a data area...", is taught by Otomo at p. 16, par. 0328, the "...of said carryable memory media...", is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2, the "...which data area...", is taught by Otomo at p. 16, par. 0328, the "...corresponding to a different directory other than the original directory...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...and storing it in there...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...transmitting the file as an attached file...", is taught by Carley at col. 51, lines 61-62, and the "...and exhibiting it on a display...", is taught by Otomo at p. 16, par. 0317.

For claims 18 and 23, the term "data transfer" is used to suggest the term "shifting a file".

39. As per claim 35, the "...receiving an electronic mail through communication means...", is taught by Carley at col. 51, lines 59-62 and col. 50, lines 54-56,

the "...storing an attached file attached to the electronic mail...", is taught by Carley at col. 13, lines 27-29 and col. 51, lines 61-62,

the "...in said carryable memory media...", is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,

and the "...at a data area corresponding to said further directory...", is taught by Otomo at p. 16, par. 0328 and p. 8, par. 0156.

40. As per claim 36, the "...receiving data through communication means...", is taught by Otomo at p. 17, par. 0337,

the "...separating received data into a plurality of files...", is taught by Carley at col. 13, lines 53-56,

the "...storing at least one file among said plurality of files...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

the "...in said carryable memory media...", is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,

the "...at a data area corresponding to one of said plurality of directories...", is taught by Otomo at p. 16, par. 0328 and p. 9, par. 0163,

the "...and storing the remaining file...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

the "...in said carryable memory media...", is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,

and the "...at a further data area corresponding to said further directory...", is taught by Otomo at p. 16, par. 0328 and p. 9, par. 0163.

41. As per claim 37, the "...receiving data through communication means..." is taught by Otomo at p. 17, par. 0337, the "...separating received data into a plurality of files..." is taught by Carley at col. 13, lines 53-56, the "...based on a first operation by a user..." is taught by Carley at col. 15, lines 24-25, the "...storing at least one file among said plurality of files..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...in said carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2, the "...at a data area corresponding to one of said plurality of directories..." is taught by Otomo at p. 16, par. 0328 and p. 9, par. 0163, the "...and based on a second operation by a user..." is taught by Carley at col. 15, lines 24-25, the "...storing the remaining file..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...in said carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2, and the "...at a further data area corresponding to said further directory..." is taught by Otomo at p. 16, par. 0328 and p. 9, par. 0163.

42. As per claim 39, the "...receiving an e-mail with the attached file through communication means..." is taught by Otomo at p. 17, par. 0337,

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the "...separating the received e-mail with the attached file into the document file and the attached file...", is taught by Carley at col. 13, lines 53-56 and col. 51, lines 61-62, the "...based on a first operation by a user...", is taught by Carley at col. 15, lines 24-25, the "...storing said document file...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...in said carryable memory media...", taught by Cowart at p. 144, "Copying Disks", par. 1 and 2, the "...at a data area corresponding to one of said plurality of directories...", is taught by Otomo at p. 16, par. 0328 and p. 9, par. 0163, the "...and based on a second operation by a user...", is taught by Carley at col. 15, lines 24-25, the "...storing said attached file...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...in said carryable memory media...", taught by Cowart at p. 144, "Copying Disks", par. 1 and 2, and the "...at a further data area corresponding to said further directory...", is taught by Otomo at p. 16, par. 0328 and p. 9, par. 0163.

43. As per claims 60, 66, 72, and 78, the "...obtained file is a file attached with an e-mail....," is taught by Carley at col. 51, lines 59-62.

44. Claims 19, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowart and Otomo as applied to claim 17 above, and further in view of Koyama (U.S. Patent No. 5,978,551).

As per claim 19, the "...said file extraction means extracts the file...", is taught by Otomo at p. 8, par. 0155 and p. 3, par. 0036, the "...that conforms to said specific file form...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, but the "...based on the file expansion index...", is not taught by either Cowart or Otomo,

However, Koyama teaches the use of file expansion indexes as follows:

"...It is to be noted that picture data recorded after undergone fixed length encoding along with header is read out as it is from the picture index file and the overall index file without allowing it to undergo expansion decoding processing to transfer it into the main memory 11a..." at col. 48, lines 27-31.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Koyama with Cowart and Otomo to provide file expansion indexes in order to use standard procedures for creating compressed files by using indexes and gain wider acceptance of the system. Cowart, Otomo, and Koyama have related applications and use similar technologies. They teach the use of computers or processors, the use of data structures, the use of directories, the use of files, the use of tables, and the use of formats. Cowart provides the directories and the storing of specific format files and non-specific format files, Otomo forms directories and provides data storage areas, and Koyama provides file expansion indexes.

45. As per claim 24, the "...said file extraction means extracts the file...", is taught by Otomo at p. 8, par. 0155 and p. 3, par. 0036, the "...that conforms to specific file form through the following process...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

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the "...primary extraction based on the file expansion index..." is taught by Koyama at col. 48, lines 27-31,

and the "...extraction once again based on the inner structure of those extracted by said primary extraction..." is taught by Otomo at p. 3, par. 0036 and p. 9, par. 0162.

46. As per claim 25, the "...video processing function..." is taught by Otomo at p. 6, pr. 0115,

the "...said directory for storing specific format files containing a directory..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

the "...for storing video information form files..." is taught by Otomo at p. 6, par. 0115,

the "...wherein a video information file is extracted..." is taught by Otomo at p. 6, par. 0115 and p. 3, par. 0036,

the "...from both of the data areas..." is taught by Otomo at p. 16, par. 0328,

the "...of said carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,

the "...one data area is that which corresponds to the directory..." is taught by Otomo at p. 16, par. 0328 and p. 8, par. 0156,

the "...for storing video information form files..." is taught by Otomo at p. 6, par. 0115,

the "...and the other data area..." is taught by Otomo at p. 16, par. 0328,

and the "...is that which corresponds to said directory for storing non-specific format files..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2.

47. Claims 28-31 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowart and Otomo as applied to claim 6 above, and further in view of Yokota yet al. (U.S. Patent No 6,691,149) and Carley.

As per claims 28 and 40, the "...communication means...", is taught by Otomo at p. 17, par. 0337,
the "...stored in a data area corresponding to said further directory...", is taught by Otomo at p. 16, par. 0328 and p. 9, par. 0163,
the "...via said communication means...", is taught by Otomo at p. 17, par. 0337,
but the "...wherein the portable information terminal...",
the "...transmits the attached file...",
and the "...accompanying an e-mail...", are not taught by either Cowart or Otomo.

However, Yokota teaches the use of portable information terminals as follows:

"...Since the contents data copied to the hard disk of the personal computer can be moved to up to three portable terminal units or up to three memories according to the standard of SDMI, the content data can be substantially copied to up to four units..." at col. 38, lines 38-42.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Yokota with Cowart and Otomo to provide portable information terminals in order to use readably available small hand-held terminals for the processing of computer functions and gain wider acceptance of the system. Cowart, Otomo, and Yokota have related applications and use similar technologies. They teach the use of computers or processors, the use of data structures, the use of directories, the use of files, the use of tables, and the use of formats. Cowart provides the directories and the

storing of specific format files and non-specific format files, Otomo forms directories and provides data storage areas, and Yokota provides portable information terminals.

Koyama does not teach the use of electronic mail or attached files.

However, Carley teaches the use of files attached to electronic mail as follows:

"...In addition to the ability to send simple ASCII text, e-mail systems usually provide the capability to attach binary files to messages..." at col. 51, lines 61-62.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Carley with Cowart, Otomo, and Koyama to provide files attached to e-mail messages in order to use standard procedures for sending electronic files over networks and gain wider acceptance of the system. Cowart, Otomo, Koyama, and Carley have related applications and use related technologies. They teach the use of computers, the use of data structures, the use of directories, the use of files, the use of tables, and the use of formats. Cowart provides the directories and the storing of specific format files and non-specific format files, Otomo forms directories and provides data storage areas, Yokota provides portable information terminals, and Carley provides files attached to e-mail.

48. As per claim 29, the "...said file control means..." is taught by Otomo at p. 10, par. 0183,
the "...deletes a file..." is taught by Cowart at p. 141, "Deleting Files", par. 1,
the "...which had been stored in a data area corresponding to said further directory..." is taught by Otomo at p. 16, par. 0328 and p. 9, par. 0163,

and the "...after it is transmitted via said communication means...", is taught by Otomo at p. 17, par. 0337.

49. As per claim 30, the "...said file control means...", is taught by Otomo at p. 10, par. 0183,
the "...shifts a file...", is taught by Otomo at p. 8, par. 0137,
the "...that had been stored in a data area...", is taught by Otomo at p. 16, par. 0328,
the "...corresponding to said directory for storing non-specific format files...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,
the "...after it was transmitted via said communication means...", is taught by Otomo at p. 17, par. 0337,
the "...to a data area...", is taught by Otomo at p. 16, par. 0328,
the "...of said carryable memory media...", is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,
the "...that corresponds to a certain directory other than said original directory for storing specific formal files...", is taught by Cowart at p. 107, "Review of DOS Directories, par. 2,
and the "...and said original directory for storing non-specific format files...", is taught by Cowart at p. 107, "Review of DOS Directories, par. 2.

50. As per claim 31, the "...said instruction means issues one of the following instructions...", is taught by Otomo at p. 16, par. 0327,
the "...based on operation of the operation section by a user...", is taught by Carley at col. 15, lines 24-25,

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the "...after a file stored in a data area..." is taught by Otomo at p. 2, par. 0022 and p. 16, par. 0328,

the "...corresponding to said directory for storing non-specific format files..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

the "...is transmitted via said communication means..." is taught by Otomo at p. 17, par. 0337,

the "...regarding how the transmitted file be handled..." is taught by Otomo at p. 17, par. 0337 and p. 9, par. 0167,

the "...leaving the transmitted file..." is taught by Otomo at p. 17, par. 0337 and p. 9, par. 0167,

the "...in said directory for storing non-specific format files..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

the "...deleting the transmitted file..." is taught by Cowart at p. 141, "Deleting Files", par. 1,

the "...shifting the transmitted file..." is taught by Otomo at p. 8, par. 0137,

the "...to a data area..." is taught by Otomo at p. 16, par. 0328,

the "...of said carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,

the "...that corresponds to a certain specific directory other than said original directory for storing specific format files..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

and the "...and said original directory for storing non-specific format files..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2.

51. As per claim 41, the "...transmitting the file..." is taught by Otomo at p. 17, par. 0337 and p. 9, par. 0167, stored in said carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2, the "...at said further data area..." is taught by Otomo at p. 16, par. 0328, "...corresponding to said directory for storing non-specific format files..." is taught by Cowart at p. 107, "Review of DOS Directories", par. 2, the "...and after said file is transmitted..." is taught by Otomo at p. 17, par. 0337 and p. 9, par. 0167, and the "...deleting said transmitted file..." is taught by Cowart at p. 141, "Deleting Files", par. 1.

52. As per claim 42, the "...transmitting the file..." is taught by Otomo at p. 17, par. 0337 and p. 9, par. 0167, stored in said carryable memory media..." is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2, the "...at said further data area corresponding to said further directory..." is taught by Otomo at p. 16, par. 0328 and p. 8, par. 0156, the "...and after said file is transmitted..." is taught by Otomo at p. 17, par. 0337 and p. 9, par. 0167,

the "...shifting said transmitted file...", is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,

and the "...to yet a further data area...", is taught by Otomo at p. 16, par. 0328.

53. As per claim 43, the "...transmitting the file...", is taught by Otomo at p. 17, par. 0337 and p. 9, par. 0167,

the "...stored in said carryable memory media...", is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,

the "...at said further data area...", is taught by Otomo at p. 16, par. 0328,

the "...after transmitting said file...", is taught by Otomo at p. 16, par. 0328,

the "...user selecting either one of following steps based on operation...", is taught by Carley at col. 15, lines 24-25,

the "...leaving said transmitted file in said carryable memory media...", is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,

the "...at said further data area...", is taught by Otomo at p. 16, par. 0328,

"...deleting said transmitted file...", is taught by Cowart at p. 141, "Deleting Files", par. 1,

the "...and shifting said transmitted file...", is taught by Otomo at p. 8, par. 0137,

and the "...to yet a further data area...", is taught by Otomo at p. 16, par. 0328.

54. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowart and Otomo as applied to claim 6 above, and further in view of Yokota and Fukunaga et al. (U.S. Patent No. 6,775,023).

As per claim 26, the "...from data area...", is taught by Otomo at p. 16, par. 0328,

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the "...of said carryable memory media...", is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,

the "...based on the directory for storing non-specific format files...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

the "...from said carryable memory media...", is taught by Cowart at p. 144, "Copying Disks", par. 1 and 2,

the "...of the directory for storing non-specific format files...", is taught by Cowart at p. 107, "Review of DOS Directories", par. 2,

the "...and a process of checking the inner structure...", is taught by Otomo at p. 8, par. 0149,

but the "...portable information terminal...",

the "...extracts the Exif format image file through either one of the following processes...",

the "...extracting the JPG image file...",

the "...or extracting the image file...",

the "...based on the JPG expansion index .jpg...",

and the "...of said image file extracted...", are not taught by either Cowart or Otomo.

However, Yokota teaches the use of portable information terminals as follows:

"...Since the contents data copied to the hard disk of the personal computer can be moved to up to three portable terminal units or up to three memories according to the standard of SDMI, the content data can be substantially copied to up to four units..." at col. 38, lines 38-42.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Yokota with Cowart and Otomo to provide portable information terminals in order to use readably available small hand-held terminals for the processing of computer functions and gain wider acceptance of the system. Cowart, Otomo, and Yokota have related applications and use similar technologies. They teach the use of computers, the use of data structures, the use of directories, the use of files, the use of tables, and the use of formats and Cowart and Yokota teach the use of memory cards. Cowart provides the directories and the storing of specific format files and non-specific format files, Otomo forms directories and provides data storage areas, and Yokota provides portable information terminals.

Koyama does not teach the extraction of files in the EXIF or JPEG formats.

However Fukunaga teaches the extraction of files in the EXIF or JPEG formats as follows:

"...The center transmission/reception controller 407 has: a function of managing data generated and collected by an application program such as image collector 405 of the center server and kept in a center transmission box 418 to be described later, and extracting transmission data for the image server 111 or print server 121 from the center transmission box 418 and transmitting the extracted transmission data, in response to a data transmission/reception start request received by the image server 111 or print server 121 via NETIF 1004; and a function of storing reception data received from the image server 111 or print server 121 in a center reception box 419 to be later described and using an application program for analyzing the reception data and processing it by developing the application program from HDD 1009 or the like upon RAM 1002..." at col. 9, lines 56-67 and col. 10, lines 1-3.

"...The image format used is a format which allows to write additional information such as a comment, for example, a JFIF

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(JPEG Interchange Format) which is one of the image data formats using JPEG compression algorithms. The image ID of the image generated at Step S1503 and stored in RAM 2002 is written as the additional information. The image data formats include JFIF, GIF, TIF, EXIF, ZIP and the like, and the registration process is executed by using the format desired by the user..." at col. 21, lines 2-10.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Fukunaga Cowart, Otomo, and Koyama to provide extraction of files in the EXIF or JPEG formats in order to use standard formats for video information and gain wider acceptance of the system. Cowart, Otomo, Koyama, and Fukunaga have related applications and use similar technologies. They teach the use of computers, the use of data structures, the use of directories, the use of files, the use of tables, and the use of formats and Cowart, Koyama, and Fukunaga teach the use of memory cards. Cowart provides the directories and the storing of specific format files and non-specific format files, Otomo forms directories and provides data storage areas, Koyama provides portable information terminals, and Fukunaga provides extraction of files in the EXIF or JPEG formats.

55. As per claim 27, the "...the portable information terminal..." is taught by Yokota at col. 38, lines 38-42, the "...prints the extracted Exif format file..." is taught by Fukunaga at col. 9, lines 56-67, col. 10, lines 1-3, and col. 21, lines 2-10, and the "...upon an operation made by a user..." is taught by Fukunaga at col. 5, lines 42-47.

56. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowart and Otomo as applied to claims 6 and 32 above respectively, and further in view of Nishigaya et al. (U.S. Patent No. 5,696,900).

As per claims 44 and 45 the "...portable information terminal is a portable telephone unit..." is not taught by either Cowart or Otomo.

However, Nishigaya teaches the use of portable information terminals and portable telephones as follows:

"...Further, in this instance, the service control program means 2-1 discriminates whether or not the type of the terminal to be registered is a terminal (hereinafter referred to as user position detection terminal) which may possibly move geographically like a portable information terminal 9 such as a portable telephone set..." at col. 24, lines 54-61.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Nishigaya with Cowart and Otomo to provide portable information terminals in order to use readably available small hand-held terminals such as portable telephones for the transfer of information and gain wider acceptance of the system. Cowart, Otomo, and Nishigaya have related applications and use similar technologies. They teach the use of computers, the use of data structures, the use of directories, and the use of tables. Cowart provides the directories and the storing of specific format files and non-specific format files, Otomo forms directories and provides data storage areas, and Nishigaya provides portable information terminals such as portable telephones.

57. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otomo et al. (U.S. Patent Application Publications No. US 2001/0010049), Cowart (Mastering Windows™ 3.1), and Yokota et al. (U.S. Patent No. 6,691,149).

58. Otomo renders obvious independent claim 8, by the following:

“...is provided with a plurality of directories at a directory level...” at p. 6, par. 0115.

“...a further directory at said directory level...” at p. 6, par. 0115.

“...at a data area...” at p. 16, par. 0328.

“...at a further data area corresponding to said further directory...” at p. 16, par. 0328
and p. 8, par. 0156.

Otomo does not teach the use of carryable memory media, the use of files with different format types, and the use of portable information terminals.

59. However, Cowart teaches the use of carryable memory media and the use of files with different format types as follows:

“...each of said directories limited to storing files of a respective one of a plurality of file formats...” at p. 107, “Review of DOS Directories”, par. 2.

“...said further directory for storing files in other than said plurality of file formats...” at p. 107, “Review of DOS Directories”, par. 2.

“...if a file to be stored conforms to said plurality of directories...” at p. 107, “Review of DOS Directories”, par. 2.

“...stores the relevant file in the carryable memory media...” at p. 144, “Copying Disks”, par. 1 and 2.

“...corresponding to one of said plurality of file formats...” at p. 107, “Review of DOS Directories”, par. 2.

“...if a file to be stored does not conform...” at p. 107, “Review of DOS Directories”, par. 2.

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"...stores the file in the carryable memory media..." at p. 144, "Copying Disks", par. 1 and 2.

"...said carryable memory media..." at p. 144, "Copying Disks", par. 1 and 2.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Cowart with Otomo to use different formats for different types of data in order to store files from multiple applications each having their own file formats and to store other files in formats such as free text format and gain wider acceptance of the system. Likewise, it would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Cowart with Otomo to use carryable memory media in order to have nonvolatile data devices, which can be removed from the computer system to provide additional memory capacity to the system and be used on other similar systems. Otomo and Cowart have related applications and use similar technologies. They teach the use of computers, the use of data structures, the use of directories, the use of files, the use of tables, and the use of formats. Otomo defines directories with different levels for storing files and data areas and Cowart provides the storing of specific format files and non-specific format files and carryable memory media.

Cowart does not teach use of portable terminals.

60. However, Yokota teaches the use of portable information terminals as follows:

"...said portable information terminal..." at col. 38, lines 38-42.

"...to said portable information terminal..." at col. 38, lines 38-42.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Yokota with Otomo and Cowart to provide portable information terminals in order to use readably available small hand-held terminals for the processing of computer functions and gain wider acceptance of the system. Otomo, Cowart, and Yokota have related applications and use similar technologies. They teach the use of computers, the use of data structures, the use of directories, the use of files, the use of tables, and the use of formats and Cowart and Yokota teach the use of memory cards. Otomo forms directories and provides data areas, Cowart provides storing of specific format files and non-specific format files and carryable memory media, and Yokota provides portable information terminals.

Response to Arguments

61. Applicants' arguments filed 21 June 2006 have been fully considered but they are not persuasive. In the first argument for independent claim 1 on page 4, paragraphs 4-6 and page 5, Paragraph 1, the Applicants' state:

"In the interest of improving the readability of the argument, Appellants' representative will discuss the pending independent claims in two separate groups as follows:

Group I: Claims 1, 6, 8, 32, 49, and 52-57; and

Group II: Claims 59, 65, 71 and 77.

Regarding Group I, Appellants' representative will first traverse the rejection with respect to claim 1. The remaining independent claims in Group 1, while not identical to Group I, are also patentable for reasons similar to those set forth below with regard to claim 1.

Appellants' invention, as recited by claim 1, includes features which are neither disclosed for suggested by the art of record, namely:

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... a plurality of directories at a directory level, each of said directories limited to storing files of a respective one of a plurality of file formats, and

a further directory at said directory level, said further directory for storing files in other than said plurality of file formats ...

Thus, claim 1 is reciting a plurality of directories and a further directory which are all at the same level within a directory (e.g. tree) structure. Of the plurality of directories, each of those directories stores "a respective one of a plurality of file formats. The further directory stores files in formats different than the formats stored in the "plurality of directories."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. The Quinn reference has been replaced by the Cowart reference. In "A Review pf DOS Directories" on page 103 the second paragraph states:

"...DOS stores all files in directories on your disk. A directory is simply a collection of files. Directories let you keep files together that are somehow related. Typically you'll keep work files, such as letters, in one directory, spreadsheets in another, and so forth. With occasional limitations imposed by specific programs, you can organize your files any way the spirit moves you..."

The third sentence, which states that letters may be in one directory and spreadsheets in another represents a directory having files of a single format. Whereas, the last sentence, which states that files may be organized in any way that the spirit moves you represents directories with different file formats. The Cowart reference clearly teaches having directories of both kinds, some with files having the same format and others having files with different formats.

62. In the second argument for independent claim 1 on page 5, paragraph 4, the Applicants' state:

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"The Official Action cites a number of references against Appellants' pending claims. Appellants' representative has reviewed all those references and none of those references even come close to the above structure. For example, lida was cited at column 20 and column 16. Neither column discloses the features as claimed above. Quinn was cited at column 13 for disclosing a plurality of file formats. Appellants' acknowledge that different file formats are known in the art and are not trying to claim different file formats. Instead, claim 1 recites a directory structure that stores different file formats as described above. This is different than the art of record. Otomo, as well, has no disclosure of the above features."

The Examiner disagrees. Since the response to the first argument has shown that Cowart teaches the use of both types of directories then neither lida nor Otomo are required to teach this limitation in an obviousness rejection.

63. In the third argument for claims 6, 8, 32, 49, and 52-57 on page 5, paragraph 5, the Applicants' state:

"Again, the other independent claims of Group I are patentable for reasons similar to those set forth above with regard to claim 1."

The Examiner disagrees. Since the responses to the first two arguments have shown that independent claim 1 is still rendered obvious and no additional arguments have been made for any of these claims then claims 6, 8, 32, 49, and 52-57 are still rendered obvious.

64. In the fourth argument for independent claim 59 on page 6, paragraphs 5 and 6, the Applicants' state:

"Regarding Group II, Appellants representative will first discuss claim 59.

Appellants' claim 59 includes a feature which is neither disclosed nor suggested by the art of record, namely:

... a controller operable to form a directory in the carryable memory media ...

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wherein ... if a directory formed by an other apparatus is stored in the carryable memory media and there is not a directory formed by the apparatus in the carryable memory media, the apparatus makes the carryable memory media form a new directory which is allowed to store an arbitrary file stored in the memory ...

Thus, when, for example, a memory card is moved from a first apparatus to a second apparatus and the second apparatus stores a file in the memory card, the file will be stored in a directory different from any directories created by the first apparatus.

The Official Action has cited Otomo and Quinn against claim 59. Neither Otomo nor Quinn, however, discloses the above feature of a second apparatus storing data in a directory which is different from directories created by the first apparatus."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. The Quinn reference has been replaced by the Cowart reference. In "Copying Disks" on page 144 the first and second paragraphs state:

"...You can make copies of disks two ways. If the disks have the same capacities, you can use the Copy Disk command. If they do not, you can use the Copy command explained earlier. Just select all the files with wildcards (*.*) in the From section of the Copy dialog box and perform the copy.

If the two diskettes have the same capacities, use the Copy Diskette command (it's faster). However, be aware that this command, like the DOS DISKCOPY command, erases everything on the destination disk before creating an exact copy of the source disk..."

The Copy Diskette command forms a new directory on the carryable memory media. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the file will be stored in a directory different from any directories created by the first apparatus") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

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See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Since Cowart already teaches this limitation there is no need for Otomo to also teach this limitation in an obviousness rejection.

65. In the fifth argument for independent claim 65, 71 and 77 on page 6, paragraph 5, the Applicants' state:

"The remaining independent claims in Group II, while not identical to claim 59, are similarly allowable over the art of record for reasons similar to those set forth above with regard to claim 59."

The Examiner disagrees. Since the responses to the fourth argument has shown that independent claim 59 is still rendered obvious and no additional arguments have been made for any of these claims then independent claims 65, 71 and 77 are still rendered obvious.

Conclusion

66. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is (571)-272-4110. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Harold E. Dodds, Jr.

Harold E. Dodds, Jr.
Patent Examiner
July 25, 2006



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PRIMARY EXAMINER